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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,666	03/08/2004	Jason D. Hardebeck	JDH.PAT.01	2828
30733	7590	01/30/2006	EXAMINER	
Jeffrey C. Maynard 154 Barbara Road Severna Park, MD 21146			PETERSON, KENNETH E	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 01/30/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,666

Applicant(s)

HARDEBECK, JASON D.

Examiner

Kenneth E. Peterson

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

1. Claims 5 and 11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 21 Dec 05.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,6,7,12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Menge '043, who shows a saw with all of the recited limitations including a base (e.g. 116), a support housing having an arcuate track (46,50), a power saw (74) on a pivot arm (58) and a pivot assembly (52,54) enabling saw motion eccentric to the support housing, "eccentric" meaning "deviating from a circular path".

4. Claims 1,6,7,12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwandt '277, who shows a saw with all of the recited limitations including a base (e.g. 11), a support housing having an arcuate track (65), a power saw (36,37) on a pivot arm (38) and a pivot assembly enabling saw motion eccentric to the support housing, "eccentric" meaning "deviating from a circular path".

5. Claims 1-4,6-10,12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Madsen '965, who shows a saw with all of the recited limitations including

a base (e.g. 10), a support housing having an arcuate track (62,29), a power saw (72,76) on a pivot arm (68) and a pivot assembly having pivot pins 82,84) and bearing rollers (78,80) enabling saw motion eccentric to the support housing, "eccentric" meaning "deviating from a circular path".

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4,6-10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen '965, who shows a saw with all the limitations as set forth above. However, in regards to at least claims 3,4,9 and 10, if it is interpreted that elements 29 and 62 do not constitute an arcuate track having a pair of roller bearings therein, then Examiner takes Official Notice that it is old and well known for pivoting arms to employ a track that has both segments joined as one. For example, see the reference to Thomas et al.'087 and compare figures 1 and 2. It would have been obvious to one of ordinary skill in the art to have modified Madsen by making the arcuate track be one contiguous track, as is well known and shown by Thomas, since these are art recognized equivalents known for the same purpose.

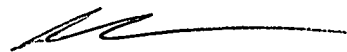
8. Made of record but not relied on are four patents showing pertinent saws with arcuate tracks.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 571-272-4512. The examiner can normally be reached Mon-Thurs, 7:30AM-5PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KP
January 18, 2006



KENNETH E. PETERSON
PRIMARY EXAMINER